IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5797 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JIVANSHALA LOKSHALA

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

MR SHIRISH JOSHI for Petitioner

MR AD OZA for Respondent No.1

MR VM PANCHOLI AGP for respondent Nos. 2 and 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/05/2000

ORAL JUDGEMENT

In this petition challenge has been made by the petitioner to the order at Annexure-A under which the prayer made by the petitioner for grant of permission to start standard 10 was came to be rejected. Against this

order the petitioner preferred an appeal before the respondent No.3.

It is the grievance of the petitioner that the respondent No.3 even refused to register the appeal hence this Special Civil Application.

The petitioner prays for grant of permission to impart education in Standard 10 with effect from 10.7.1998. The challenge has been made to the order on twofold grounds. Firstly it is contended that no reason has been given in the impugned order and secondly the respondent No.3 has not permitted the registration of the appeal.

The learned counsel for the respondents are unable to oppose this matter on merits. The order is silent. Meaning thereby the grounds in support thereof are not recorded. The respondents are also unable to furnish any explanation why respondent No.3 has not registered the appeal filed by the petitioner.

The Special Civil Application is disposed of in the term that the petitioner is free to file the appeal before the respondent No.3 and in case this appeal is filed within a period of one month from today the respondent shall decide the same on merits after hearing the parties concerned in accordance with law. Rule and Special Civil Application are disposed of accordingly with no order as to costs.

(S.K.Keshote, J.)

*Pvv